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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25737 of 2024

M.Naveen

..Petitioner

Vs.

1. The Tamil Nadu Public Service Commission,
Rep. By its Secretary,
TNPSC Road,
V.O.C Nagar,
Park Town
Chennai 600 003.

2. Controller of Examinations,
Tamil nadu Public Service Commission,
TNPSC Road,
V.O.C Nagar,
Park Town,
Chennai 600 003

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the proceedings vide No.656/APD-B-GR-II/2022 dated 13.06.2024 on the file of the 2nd respondent and quash the same.



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For Petitioner : Mr.Rita Chandrasekar
for Aditya Chandramouli
For Respondents : Mrs.G.Hema
Standing counsel for R1 and R2

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 13.06.2024 wherein the petitioner has been debarred from writing the TNPSC examination for a period of three years.

2. The case of the petitioner is that the TNPSC issued a notification dated 22.03.2022 for Combined Civil Services examination Group II /Group II A services. The petitioner submitted his application and he also appeared for the preliminary examination on 21.05.2022. He was declared to be successful in the preliminary examination and was eligible for the main written examination, which was scheduled on 25.02.2023. The petitioner after completing the examination took away the entire booklet along with him. The invigilator thereafter noticed that the petitioner had taken away the entire booklet with him



and he was directed to hand over the same. The petitioner accordingly returned back the booklet.

3. On 27.02.2024, a notice was issued by the 2nd respondent to the petitioner informing the petitioner about the incident that took place on 25.02.2023 which was in violation of the Rules and called upon the petitioner to explain as to why the petitioner should not be debarred from writing the future examinations conducted by TNPSC.

4. The petitioner on receipt of the notice from the 2nd respondent submitted his reply dated 04.03.2024 and he explained the circumstances under which the incident had taken place.

5. The 2nd respondent after the receipt of the reply found that it was not satisfactory and it was in violation of the Rules and accordingly, the petitioner was barred from writing TNPSC examinations for a period of three years from 03.05.2024. Aggrieved by the same, the present writ petition has been filed before this Court.



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6. The respondents have filed a counter affidavit. The respondents have taken a stand that the question booklet will be collected back from the candidates after the completion of the examination. However, the petitioner who attended the main written examination had taken away the question / answer booklet along with him outside the examination hall. In view of the same, there was a direct violation of the Rules and hence, the notice was issued to the petitioner to furnish his explanation. The petitioner had taken a stand that he had mistakenly taken the question cum answer booklet outside the examination hall. The explanation given by the petitioner was not found to be satisfactory. Hence, the order was passed on 13.06.2024 and the petitioner was debarred for a period of three years from writing the TNPSC examination. Accordingly, the respondents have justified the impugned order passed and have sought for the dismissal of this writ petition.

7. Heard Mrs.Rita Chandrasekar, learned counsel for Mr. Aditya Chandramouli, learned counsel for the petitioner and Mrs.G.Hema, learned Standing counsel for respondents 1 and 2.



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8. There is no dispute with regard to the fact that the petitioner had taken the final main written examination on 25.02.2023. It is also not in dispute that a candidate must leave behind the question cum answer booklet after the completion of the examination and it cannot be taken outside the examination hall. The petitioner had taken the question cum answer booklet outside the examination hall. Hence, there is a violation of the Rules. Till this stage, there is no serious dispute and the only issue to be decided in this present writ petition is as to whether the violation committed by the petitioner will warrant debarring the petitioner from writing the TNPSC examination for a period of three years. In other words, this Court has to see if the punishment imposed against the petitioner is proportionate to the charge made out and proved against the petitioner.

9. The petitioner on receipt of the notice from the 2nd respondent has submitted a detailed explanation dated 04.03.2024. In this explanation, the petitioner has stated that his father Manivannan was suffering from Cancer and treatment was given to him on a regular basis and this was always running at



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the back of the mind of the petitioner. That apart, the petitioner was suffering with stress and anxiety for which the petitioner was also taking some medication. The petitioner had completed the preliminary examination and he was writing the main examination. The petitioner has stated in the reply that by sheer absent mindedness, he took away the booklet outside the examination hall without realizing that it is a booklet which contained questions cum answers. Immediately after the Invigilator found that the petitioner was holding the booklet in his hand, the petitioner had returned back the booklet.

10. The impugned order passed by the 2nd respondent has gone by the letter of law and the punishment has been imposed only on the ground that the petitioner had violated the rules. A careful reading of the impugned order dated 13.06.2024 shows that the explanation given by the petitioner by assigning the reasons along with supporting documents was not really considered by the 2nd respondent.

11. The materials placed before this Court shows that the father of the petitioner was suffering from cancer and he was undergoing regular treatment at Apollo Speciality Hospitals. Ultimately, he also died due to cancer on



12.02.2024. Therefore, one of the reason that was assigned by the petitioner was to the effect that he was carrying a mental trauma owing to the suffering of his father and it is not a piece of imagination and it is borne out by records.

12. It is also quite evident that the petitioner was stressed out and had anxiety. A mind which is engulfed with stress and anxiety reacts very differently in a given situation. The petitioner by taking away the booklet from the examination hall, ultimately did not achieve anything and he handed over that booklet to the invigilator. If the petitioner had really intended to stealthily remove the booklet, he would have concealed and moved out of the examination hall. The fact that he was carrying the booklet in his hand and was leaving out of the examination hall only shows that the petitioner did not have any ulterior motive to take out the booklet and to unlawfully gain in the main examination.

13. In the light of the above discussion, this Court holds that the punishment that has been imposed against the petitioner by debarring him for three years from writing TNPSC examination is grossly disproportionate to the charge which has been proved against the petitioner. This Court does not find



any mental element or a bad motive on the part of the petitioner to take away the booklet from the examination hall and everything has taken place in the spur of the movement. Hence, such a major punishment is not required on the facts of the present case.

14. In view of the above, the impugned proceedings of the 2nd respondent dated 13.06.2024 is hereby quashed and it is made clear that dis-entitlement debarring of the petitioner will confine itself only to this selection which was made pursuant to the notification issued by the 1st respondent on 23.02.2022.

15. In the result, this writ petition is allowed in the above terms. No costs.

01.10.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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To

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TNPSC Road,
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N. ANAND VENKATESH, J.

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